

BEFORE THE INDIANA STATE DEPARTMENT OF HEALTH

**AN ADMINISTRATIVE RULES HEARING
LSA DOCUMENT #08-62**

HEARING OFFICER REPORT

This matter came before the duly appointed Hearing Officer, Dawn M. Adams, on the 28th day of August, 2008, at 9:30 a.m., at the Indiana State Department of Health (ISDH), 2 North Meridian Street, Indianapolis, Indiana.

Notice of time and place of the hearing was given as provided by law by publishing on August 4, 2008, in the *Indianapolis Star* and by publishing in the *Indiana Register* dated August 6, 2008. Proof of publication of this notice has been received by the ISDH and the notice and proof are hereby incorporated into the record of this cause by reference and placed in the official files of the ISDH.

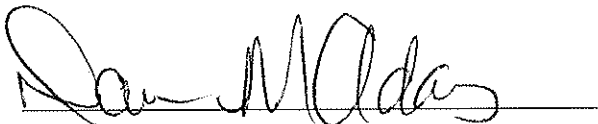
WRITTEN STATEMENT

Melissa McMasters, RN, BSN
Coordinator, Communicable Disease and Immunization
Marion County Health Department

Ms. McMasters recommended that: (1) In Section 73, "IgM" should be "immune globulin"; (2) referring to section 74, the CDC says that babies should not be tested for anti-HCV before 18 months of age and that children born to HCV-positive mothers should not be tested before 18 months of age; (3) referring to section 97, unless there is a known outbreak of shigellosis connected to a water source, exclude requiring a seven-day water history. Emphasis should be on activities and personal contacts and seven-day food histories on all shigella cases is not practical; and (4) referring to section 110, requiring every case of varicella to be reported is excessive and an unnecessary burden on the public health system. This requirement would overtax the system with diseases that are not as dangerous or as communicable as many others. Ms. McMasters' comments are attached and incorporated by reference as Exhibit 1.

There were no oral statements.

Dated at Indianapolis, Indiana this 29th day of August, 2008.

A handwritten signature in black ink, appearing to read "Dawn M. Adams", is written over a horizontal line.

Dawn M. Adams
Hearing Officer



Adams, Dawn M

From: Pontones, Pamela
Sent: Thursday, August 28, 2008 4:36 PM
To: Adams, Dawn M
Cc: 'MMcMaste@HHCorp.org'
Subject: FW: CD Rule Suggestions
Attachments: CD rule comments 8 28 08.doc

Hi Dawn,

Please see comments on the CD rule from Marion County Health Department. For some reason, the e-mail would not go through to you.

Thanks,
Pam

Pam Pontones, MA
Director, Surveillance and Investigation
Epidemiology Resource Center
Indiana State Department of Health
2 North Meridian Street, 5-K
Indianapolis, IN 46204
phone: 317-233-7861
fax: 317-234-2812
cell: 317-430-3842
ppontones@isdh.in.gov

Are you doing your part to make Indiana healthy? Find out at www.inshape.IN.gov!

This message and any attachments may be confidential. If you are not the intended recipient, please 1) notify me immediately; 2) do not forward the message or attachment; 3) do not print the message or attachment; and 4) erase the message and attachment from your system.

From: Melissa McMasters [mailto:MMcMaste@HHCorp.org]
Sent: Thursday, August 28, 2008 4:33 PM
To: Pontones, Pamela; dadams@isdh.IN.gov
Subject: CD Rule Suggestions

Pam,

I tried to email this onto Dawn Adams and I received a delivery failure message. If you get this could you please forward it on?

Attached are the suggested comments from the Marion County Health Department for your review.

Thank you,

8/29/2008

Melissa McMasters, RN, BSN
Coordinator, Communicable Disease and Immunization
Marion County Health Department
221-2119

Confidentiality Notice: This E-Mail transmission may contain confidential or legally privileged information that is intended only for the individual or entity named in the E-Mail address. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or reliance upon the contents of this E-Mail is strictly prohibited. If you have received this E-Mail transmission in error, please reply to the sender, so arrangements can be made for proper delivery, and then delete the message from your system. Thank you.

8/29/2008

1. **Section 73**, page 41. “IgM” should be “immune globulin”.
2. **Section 74**. CDC says that babies should not be tested for anti-HCV before 18 months of age. Children born to HCV-positive mothers should not be tested before 18 months of age-
<http://www.cdc.gov/hepatitis/HCV/HCVfaq.htm#section3>
3. **Section 97**. Unless there is a known outbreak of shigellosis connected to a water source, exclude requiring a seven-day water history along with the food history. More emphasis should be on activities and personal contacts since most cases are transmitted person to person. Requiring seven day food histories on all shigella cases is not practical.
4. **Section 110**, page 54. Requiring every case of varicella to be reported is excessive and is an unnecessary burden on the public health system. There are still a multitude of shingles cases and this requirement would overtax the system with diseases that are not as dangerous or as communicable as many others.